

AMENDED IN SENATE AUGUST 6, 1996

AMENDED IN SENATE JULY 9, 1996

AMENDED IN SENATE JULY 1, 1996

AMENDED IN SENATE JUNE 26, 1996

AMENDED IN SENATE SEPTEMBER 12, 1995

AMENDED IN SENATE JULY 6, 1995

AMENDED IN ASSEMBLY MARCH 30, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1849

Introduced by Assembly Member Sher

February 24, 1995

An act to amend Section 41712 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1849, as amended, Sher. Air pollution: volatile organic compounds.

(1) Existing law requires the State Air Resources Board to adopt regulations to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products, if the state board determines that adequate data exists for the state board to adopt the regulations.

This bill would apply those provisions to volatile organic compounds instead of reactive organic compounds and

would, instead, require the state board to adopt those regulations if the state board determines that adequate data exists to establish that the regulations are necessary to attain state and federal ambient air quality standards and are commercially and technologically feasible and necessary. The bill would prohibit a regulation from being adopted which requires the elimination of a product form.

The bill would authorize the sale of a previously manufactured consumer product for 3 years from the effective date of any such regulation, under specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41712 of the Health and Safety
2 Code is amended to read:

3 41712. (a) For purposes of this section, the following
4 terms have the following meaning:

5 (1) "Consumer product" means a chemically
6 formulated product used by household and institutional
7 consumers, including, but not limited to, detergents;
8 cleaning compounds; polishes; floor finishes; cosmetics;
9 personal care products; home, lawn, and garden
10 products; disinfectants; sanitizers; aerosol paints; and
11 automotive specialty products; but does not include other
12 paint products, furniture coatings, or architectural
13 coatings.

14 (2) "Health benefit product" means an antimicrobial
15 product registered with the Environmental Protection
16 Agency.

17 (3) "Maximum feasible reduction in volatile organic
18 compounds emitted" means at least a 60 percent
19 reduction in the emissions of volatile organic compounds
20 resulting from the use of aerosol paints, calculated with
21 respect to the 1989 baseline year.

22 (4) "Medical expert" means a physician, including a
23 pediatrician, a microbiologist, or a scientist involved in

1 research related to infectious disease and infection
2 control.

3 (b) The state board shall adopt regulations to achieve
4 the maximum feasible reduction in volatile organic
5 compounds emitted by consumer products, if the state
6 board determines that adequate data exists to establish
7 both of the following:

8 (1) The regulations are necessary to attain state and
9 federal ambient air quality standards.

10 (2) The regulations are commercially and
11 technologically feasible and necessary.

12 (c) A regulation shall not be adopted which requires
13 the elimination of a product form.

14 (d) The state board shall not adopt regulations
15 pursuant to subdivision (b) unless the regulations are
16 technologically and commercially feasible, and necessary
17 to carry out this division. The state board shall consider
18 the effect that the regulations proposed for health benefit
19 products will have on the efficacy of those products in
20 killing or inactivating agents of infectious diseases such as
21 viruses, bacteria, and fungi, and the impact the
22 regulations will have on the availability of health benefit
23 products to California consumers.

24 (e) (1) Prior to adopting regulations pursuant to this
25 section governing health benefit products, including, but
26 not limited to, disinfectants, the state board shall consider
27 any recommendations received from federal, state, or
28 local public health agencies and medical experts in the
29 field of public health.

30 (2) Within 30 days after the adoption of any regulation
31 pursuant to this section governing health benefit
32 products, the state board shall prepare and submit to the
33 Legislature and the Governor a report which summarizes
34 any recommendations received pursuant to paragraph
35 (1) and any conclusions made by the state board
36 concerning the recommendations.

37 (f) A district shall adopt no regulation relating to a
38 consumer product which is different than any regulation
39 adopted by the state board for that purpose.

1 (g) A consumer product manufactured prior to each
2 effective date specified in regulations adopted by the
3 state board pursuant to this section that applies to that
4 consumer product may be sold, supplied, or offered for
5 sale for a period of ~~not more than~~ three years from the
6 specified effective date if the date of manufacture or a
7 representative date code is clearly displayed on the
8 product at the point of sale. An explanation of the date
9 code shall be filed with the state board.

10 (h) (1) It is the intent of the Legislature that air
11 pollution control standards affecting the formulation of
12 aerosol paints and limiting the emissions of volatile
13 organic compounds resulting from the use of aerosol
14 paints be set solely by the state board to ensure uniform
15 standards applicable on a statewide basis. A district shall
16 not adopt or enforce any regulation regarding the volatile
17 organic compound content of, or emissions from, aerosol
18 paints until such time as the state board has adopted a
19 regulation regarding those paints, and any district
20 regulation shall not be different than the state board
21 regulation. A district may observe and enforce a state
22 board regulation regarding aerosol paints in the same
23 manner as a district regulation limiting the issuance of air
24 contaminants. This subdivision shall not apply to any
25 district that has adopted a rule or regulation regarding
26 aerosol paints pursuant to an order of a federal court, until
27 such time as the federal court has authorized the district
28 to observe and enforce the state board regulation in lieu
29 of the district regulation.

30 (2) On or before January 1, 1995, the state board shall
31 adopt regulations requiring the maximum feasible
32 reduction in volatile organic compounds emitted from
33 the use of aerosol paints. The regulations shall establish
34 final limits and require full compliance not later than
35 December 31, 1999, and shall establish interim limits prior
36 to that date resulting in reductions in reactive organic
37 compounds.

38 (3) On or before December 31, 1998, the state board
39 shall conduct a public hearing on the technological or
40 commercial feasibility of achieving full compliance with

1 the final limits by December 31, 1999. If the state board
2 determines that a 60 percent reduction in emissions of
3 reactive organic compounds from the use of aerosol
4 paints is not technologically or commercially feasible by
5 December 31, 1999, it may grant an extension of time not
6 to exceed five years. During any such extension of time,
7 the most stringent interim limits shall be applicable. Any
8 regulation adopted by the state board shall include a
9 provision authorizing the time extension and requiring a
10 public hearing on technological or commercial feasibility
11 consistent with this subdivision. The state board shall seek
12 to ensure that the final limits for aerosol paints established
13 pursuant to this subdivision do not become federally
14 enforceable prior to the effective date established by the
15 state board for these limits, including any extension
16 granted under this subdivision.

17 (4) Reductions required for aerosol paints under this
18 subdivision are not intended to apply to any other
19 consumer product and the regulation of aerosol paints is
20 not subject to subdivision (c).

